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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,583	08/22/2000	Arun K. Gupta	CA920030516US1	9983

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87.

Office Action Summary

Application No.

09/643,583

Applicant(s)

GUPTA ET AL.

Examiner

Oanh Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/25/2005 has been entered.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

Claim 1 recites the limitation "the static copy" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Specification Objection

4. The disclosure is objected to because of the following informalities: the specification of the invention does not support feature "intervals defined with respect to

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actual rate of change of the dynamic element with respect to other dynamic data” as claimed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 7 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The feature “intervals being defined with respect to an actual rate of change of the dynamic element with respect to other dynamic data” found no supporting in the specification of the invention, specially as applicants point out in page 37 lines 8-26.

For the purpose of examination, examiner interprets “intervals being defined with respect to an actual rate of change of the dynamic element with respect to other dynamic data” as periodic intervals.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li (US 6,591,266 B1) in view of Labounty et al. (Labounty) (US 6,871,211 B1).

Regarding claims 1, Li teaches a method for providing a requestor with access to dynamic data via quasi-static data requests (e.g., see fig. 2 col. 1 lines 18-22), comprising the steps of:

defining a web page, said web page including at least one dynamic element (e.g., dynamically generated Web content, col. 7 lines 26-27);

creating an executable digital code to be run on a computer and invoked at defined intervals by a scheduler component (col. 18 line 45-col. 19 line 19, Li discloses a program that invokes at periodic intervals); and executable code creating and storing a quasi-static (do not change frequently) copy of defined web page (Fig. 2 col. 3 lines 19-29, Li discloses a copy of a quasi-static web page is pre-generated and stored in the Server);

creating said scheduler component capable of invoking said executable code at predetermined intervals (e.g., see col. 18 line 45-col. 19 line 19, Li discloses a program that invokes at periodic intervals);

loading said executable code and said scheduler component onto a platform in connectivity with a web server and in a manner in which said executable code and said scheduler component are in connectivity with each another (e.g., see fig. 7, col. 26 lines 32-61);

invoking execution of said scheduler component such that said executable code that generates the quasi-static copy of said defined web page (Fig. 2 col. 3 lines 19-29, Li discloses a copy of a quasi-static web page is pre-generated and stored in the Web Server); and

retrieving and returning the static copy of said defined web page in response to requests for said defined web page (Fig. 2 col. 3 lines 16-29, Li discloses a copy of quasi-static web page is retrieved and returned from the web server to the client browser in response to the requests).

Li does not explicitly generates the quasi-static copy of the defined web page is scheduled at periodic intervals and dynamic element that changes at a relatively slow or well defined rate as compared to other dynamic data or that changes at a well defined rate with respect to other dynamic data.

Gauvin teaches generates the copy of defined web page is scheduled at periodic intervals (col. 5 lines 22-37 and col. 7 lines 28-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Li to periodically generate (or pre-generate) a copy of the web page as in Gauvin. One would be motivate to do so to allow a web page to be efficiently updated (col. 1 lines 64).

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Labounty teaches a network based system wherein the combined displayed is continuously updated. Labounty teaches dynamic element that changes at a relatively slow or well-defined rate as compared to other dynamic data or that changes at a well-defined rate with respect to other dynamic data (col. 7 lines 29-52). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the dynamic data of Labounty in the process of providing a requestor with access to dynamic data in Li. One would be motivated to do so to improve the performance of the web pages that use HTTP (Labounty, col. 7 lines 29-31).

Regarding claim 2, Li teaches the web page is defined and stored in a repository (col. 38 lines 28-49).

Regarding claim 3, Li teaches defining a placement and derivation for elements in said web page (col. 13 line 57-col. 14 line 28); and defining said web page as either static or dynamic (Li, col. 9 lines 54-64).

Regarding claim 4, Li teaches said elements are defined as dynamic or static (col. 1 line 20-22).

Regarding claim 5, Li teaches executable code and scheduler code is generated from Business Class definitions (col. 2 lines 19-46).

Regarding claim 6, Li teaches static copy of defined web page is stored in a format capable of being viewed by a web browser (Fig. 4 col. 3 lines 24-30).

7. Claims 7-8, 10-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labounty in view of Gauvin.

Regarding claim 7, Labounty teaches a method for providing a requestor with access to dynamic data via quasi-static data requests (Fig. 2), comprising the steps of:

providing a web page including at least one dynamic element that changes at a relatively slow rate as compared to other dynamic data or that changes at a well define rate with respect to other dynamic data (col. 7 lines 28-53, Labounty discloses a web page with relatively static fields that changes slowly);

upon receiving request fro a web page from the requestor, returning the quasi-static copy of the web page as a static copy (col. 7 lines 29-53, Labounty discloses browser loads a web page from the web server by using HTTP to open a web page).

Labounty does not explicitly teach a scheduler periodically invoke an executable to generate a quasi-static copy of the web page, said periodically invoking being defined with respect to an actual rate of change of the dynamic element with respect to other dynamic data.

Gauvin teaches the method and system wherein the remote document copy is updated to reflect the modifications (see abstract). Gauvin teaches generates the copy of defined web page is scheduled at periodic intervals (col. 5 lines 22-37 and col. 7 lines

28-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Labounty to periodically generate a copy of the web page as in Gauvin. One would be motivated to do so to allow a web page to be efficiently updated (col. 1 lines 64).

Regarding claim 8, Labounty teaches the method of claim 7 wherein the at least one dynamic element is retrieved from an operational database by the executable when the quasi-static copy of the web page is generated but is not retrieved when the quasi-static copy is returned as a static copy to the requestor (col. 5 lines 52-54).

Regarding claim 10, Labounty teaches the method of claim 7 wherein the quasi-static copy of the web page is stored in a format capable of viewed by a web browser (Fig. 2, col. 7 lines 45-47).

Claim 11 represents a system that is parallel to the method of claim 7. Claim 11 does not teach or define any new limitation above claim 7 and therefore is rejected for similar reasons.

Claim 12 does not teach or define any new limitation above claim 8 and therefore is rejected for similar reasons.

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Claim 14 does not teach or define any new limitation above claim 7 and therefore is rejected for similar reasons.

8. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of in view of Helbig (US 2002/0116257 A1).

Regarding claim9, Labounty-Gauvin does not explicitly teach Active Server Page (ASP).

Helbig teaches executable is written in Active server Pages (APS) (page 5 paragraph 49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the ASP of Helbig in the process of generating a dynamic web page of Labounty-Gauvin. One would be motivated to do so to allow dynamic web pages to be created as opposed to static ones that are written in HTML.

Claim 13 does not teach or define any new limitation above claim 9 and therefore is rejected for similar reasons.

Response to Arguments

9. Applicant's arguments with respect to claim1-14 have been considered but are moot in view of the new ground(s) of rejection.

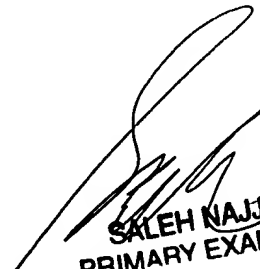
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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 2:00PM - 10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
September 9, 2005



SALEH NAJJAR
PRIMARY EXAMINER